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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,320	01/10/2006	Odd Slettayen	OPA 327	7524

7590
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03/31/2009

EXAMINER

HUSON, MONICA ANNE

ART UNIT	PAPER NUMBER
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1791

MAIL DATE	DELIVERY MODE
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03/31/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,320	Applicant(s) SLETTAYEN, ODD	
	Examiner MONICA A. HUSON	Art Unit 1791	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is in response to the Amendment filed 11 December 2008.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Wetzler (U.S. Patent 3,099,518). Regarding Claim 1, Wetzler shows that it is known to carry out a method for manufacturing of a mattress comprising a bottom piece, longitudinal pieces, cross pieces, a top piece, and a core, characterized in that a liquid molding substance of the same material as the named pieces is used to join the pieces, by applying the liquid molding substance in the contact area between the pieces only (Figures 1, 3).

Regarding Claims 2-3, Wetzler shows the process as claimed as discussed in the rejection of Claim 1 above, including a method wherein the pieces comprise a foam polyurethane material (Column 3, lines 13-18; note that “which *may* be brought into a liquid state and subsequently hardened” (emphasis added) is not a positively required step of the claimed invention).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wetzler.

Regarding Claims 4, 5, 7, and 8, Wetzler shows the process as claimed as discussed in the rejection of Claim 1 above, including a method including the steps of the bottom piece is laid out (Figure 1, element 34); the molding substance is applied to the longitudinal edges and cross edges on one surface side of the bottom piece (Figure 1, element 42); the longitudinal pieces and cross pieces are lowered into the molding substance and hardened (Figure 1, element 28); the molding substance is applied on the same surface side of the bottom piece between the longitudinal pieces and cross pieces (Figure 1, element 42); a core is lowered into the molding substance and hardened (Figure 1, element 40); and a top piece is provided with molding substance and turned with the molding substance facing the named upright longitudinal pieces and cross pieces and lowered onto the same and hardened (Figure 1, element 36). Wetzler does not specifically show these steps in this order, however, selection of any order of performing process steps is prima facie obvious in the absence of new or unexpected results (MPEP 2144.04 (IV)(C)). Note also that applicant claims that the steps can be carried out "in any order successively". Therefore, it would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made to perform the steps in the claimed manner in order to satisfy any relative process economics or efficiencies or physical space constrictions required by the consumer.

Regarding Claim 6, Wetzler shows the process as claimed as discussed in the rejection of Claim 4 above, including a method characterized in that in step IV, the molding substance is applied to the underside of the core (Figure 1), meeting applicant's claim.

Regarding Claim 9, Wetzler shows the process as claimed as discussed in the rejection of Claim 4 above, including a method characterized in that it further comprises a step wherein the molding substance is injected into the corner joints between the longitudinal pieces and cross pieces (Column 3, lines 45-54; Wetzler shows pressing, i.e. injecting, the molding substance into all the spaces of the frame), meeting applicant's claim.

Regarding Claim 10, Wetzler shows the process as claimed as discussed in the rejection of Claim 4 above, including a method characterized in that one or more steps are automated (Figure 1), meeting applicant's claim.

Response to Arguments

Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection. Note that there is a change in scope between the terms "jointing substance" and "molding substance".

The objection to the Drawings has been withdrawn in view of the Replacement Sheet filed 11 December 2008.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **MONICA A. HUSON** whose telephone number is (571)272-1198. The examiner can normally be reached on Monday-Friday 7:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christina Johnson can be reached on 571-272-1176. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Monica A Huson
Primary Examiner
Art Unit 1791

/Monica A Huson/

Primary Examiner, Art Unit 1791